

02/04/00
jc714 U.S. PTO

ATTORNEY DOCKET NO.: 381TO/41092RE
PATENT

DECLARATION AND POWER OF ATTORNEY
REISSUE PATENT APPLICATION

As the below named inventors, we hereby declare that our citizenship, residence postal addresses and residences are as stated below; that we verily believe ourselves to be the original, first and sole inventors of the invention entitled:

**AUTOMATIC AUTOMOBILE TRANSMISSION WITH
VARIABLE SHIFT PATTERN CONTROLLED IN RESPONSE
TO ESTIMATED RUNNING LOAD**

the specification of which was filed on April 23, 1998 and included original U.S. Patent No. 5,510,982, issued April 23, 1996, and amendments thereto as required by 37 C.F.R. § 1.171 et seq.

We verily believe that, as provided in 37 C.F.R. § 1.175, the original U.S. Patent No. 5,510,982 is partly inoperative because we claimed less than we had a right to claim in the patent, as indicated in particular by the scope of the additional broader claims being submitted herewith as Claims 8, 9, 10 and 11. The assignee of this patent recently discovered the error and the need for broadened claim coverage upon reviewing the patent.

All errors being corrected in this reissue application up to the time of filing of this Declaration arose without deceptive intent on the part of the Applicant.

We offer to surrender the original patent and/or provide an appropriate affidavit or declaration in the event the same is lost, upon the indication of allowability of the reissue patent application.

We hereby state that we have reviewed and understand the contents of the above-identified Specification, including the Claims, as amended by any amendment referred to above. We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (a).

We hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's

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certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s) Priority Claimed

| | | | |
|-----------------|--------------|-------------------------|------------|
| <u>3-319205</u> | <u>Japan</u> | <u>03 December 1991</u> | <u>Yes</u> |
| (Number) | (Country) | (Day/Month/Year) | |
| _____ | _____ | _____ | _____ |
| (Number) | (Country) | (Day/Month/Year) | |

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 (a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| | | |
|-------------------|-------------------------|--------------------------|
| <u>07/985,199</u> | <u>December 3, 1992</u> | <u>U.S.P. 5,510,982</u> |
| (Application | (Filing Date) | <u>for which this is</u> |
| Serial No.) | | <u>reissue appln.</u> |
| | | (patented 4/23/96). |

We hereby appoint as principal attorneys:

Martin Fleit, Reg. No. 16,900; Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; Jeffrey D. Sanok, Reg. No. 32,169; Richard R. Diefendorf, Reg. No. 32,390; and Paul A. Schnose, Reg. No. 39,361, to prosecute and transact all business in the Patent and Trademark Office connected with this application and any related United States and international applications. Please direct all communications to:

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We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

INVENTOR:
Citizenship:
Postal Address/Residence:

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June 5, 1998

Date

Hiroshi Ohnishi

Signature of 1st inventor

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June 11, 1998

Date

Kouji Kitano

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June 5, 1998

Date

Mitsuo Kayano

Signature of 3rd inventor

INVENTOR:
Citizenship:
Postal Address/Residence:

Nobuo KURIHARA
Japanese

June 16, 1998

Date

Nobuo Kurihara

Signature of 4th inventor

ASSIGNEE'S CONSENT

Hitachi, Ltd., Japan, assignee of the entire right, title and interest in and to U.S. Letters Patent No. 5,510,982, hereby assents to the filing of the attached application for reissue of said patent in accordance with 37 C.F.R. §1.172.

June 24, 1998

Date

By:

Hitachi, Ltd. Japan

Katsuo Ogawa
Katsuo OGAWA, Patent Attorney
Director & General Manager,
Intellectual Property Office
(Authorized Signing Officer)